

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ALABAMA
3 SOUTHERN DIVISION
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5 LINDA STOUT, et al., CV-65-MHH-396-S
6 Plaintiffs, November 10, 2015
7 vs. Birmingham, Alabama
8 JEFFERSON COUNTY BOARD OF
9 EDUCATION, et al., 10:00 a.m.
10 Defendants.
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12 REPORTER'S OFFICIAL TRANSCRIPT OF
13 HEARING

14 BEFORE THE HONORABLE MADELINE HUGHES HAIKALA
15 UNITED STATES DISTRICT JUDGE
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23 COURT REPORTER:
24 Teresa Roberson, RMR
25 Federal Official Court Reporter
1729 Fifth Avenue North, Ste 325
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2 P R O C E E D I N G S

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4 THE COURT: All right. We are here this morning
5 in case number 65-396. This is Stout vs. Jefferson County
6 Board of Education.

7 The Court received a request from counsel for the
8 City of Gardendale to meet with counsel for all the parties
9 to discuss the status of their work on trying to develop
10 information that would allow the private plaintiffs and the
11 United States to evaluate Gardendale's proposal for
12 separation from the Jefferson County School System.

13 So, why don't I begin, please, with counsel for
14 the City of Gardendale and hear from you.

15 MR. ROWE: Thank you, Your Honor. Steve Rowe
16 appearing for City of Gardendale. Just as a prefatory
17 matter: The last time this group gathered, Giles Perkins
18 was standing here for the City of Gardendale; shortly after
19 that hearing, he was diagnosed with a serious health matter
20 and he's had to cut back on his practice substantially. He
21 sends his best regards.

22 THE COURT: I hate to hear that.

23 MR. ROWE: It's actually looking much better for
24 him now than it was from the beginning, but still he's --
25 with chemotherapy and so forth, he's not able to maintain a

1 full practice.

2 THE COURT: Please give him my best.

3 MR. ROWE: I will. In a nutshell, you know, we're
4 here because it is the hope of Gardendale and its aim to
5 have any issues that are raised regarding its plan of
6 separation decided in time for it to separate by the next
7 school year which would be 2015-2016.

8 In order to do that, we have to --

9 THE COURT: 2016-2017.

10 MR. ROWE: Yes, Your Honor, I misspoke. Thank
11 you. In order to do that, we have to have an agreement or
12 an order of the Court or we have to resolve the issues in
13 time for that to happen, which will be no later than April,
14 May of next year.

15 We had a call -- I had a conference call yesterday
16 discussing these issues since we have been seeking to find
17 out, since we issued our plan in March, what the issues
18 were. And, of course, the other parties can speak for
19 themselves on what those issues are.

20 But I think that the summary of our call yesterday
21 was that, and maybe I'm a hopeful optimist, I talked to the
22 parties about resolution, and I think there's -- there's
23 value in seeking to reach a resolution without spending a
24 whole lot of money on experts and court time, but that
25 remains to be seen whether that can be done.

1 And as Judge Clemon suggested yesterday during our
2 call, and I fully agree, I think the other parties do, that
3 we need to get a date, get some dates on your calendar for a
4 hearing and have a plan in process, and if the parties are
5 able to reach an agreement that is acceptable to the Court
6 in that time, then the hearing wouldn't be necessary.

7 But the hearing dates will cause us to do what we
8 need to do in that regard as well.

9 Let me just briefly tell you what's happened since
10 the last time we were here. There's been a substantial
11 amount of information swapped. After the school year
12 started in September, there was a trip made to the
13 Gardendale schools by the parties, actually the individual
14 plaintiffs were not able to attend that, but everyone at the
15 Department of Justice and its expert and Gardendale and its
16 expert and the county all walked through and asked questions
17 of various people in the Gardendale schools in September.

18 We've had the call yesterday and documents swapped
19 and that's probably, you know, that summarizes what has
20 happened.

21 So, we're not exactly sure at this point what the
22 points of dispute, should we say, you know, are there
23 particular items that we could address and change in our
24 plan that would make it acceptable or is it just purely no
25 possible way to resolve the matter. So I think that's an

1 outstanding question at this point.

2 Are there any other issues that Your Honor was
3 hoping that I would address?

4 THE COURT: I think that's a good introduction to
5 the issues that are before the Court.

6 Let me hear from counsel for the other parties
7 involved and then we'll probably circle back.

8 MR. ROWE: Thank you.

9 THE COURT: Thank you, Mr. Rowe. All right. Why
10 don't I hear from counsel for Jefferson County, please.

11 MR. COLVIN: Yes, Your Honor, Whit Colvin for the
12 Jefferson County School Board.

13 As Mr. Rowe said, there's been a good bit of
14 information swapped up to this point. Jefferson County is
15 in the position of, we're really responding to requests more
16 than anything else, at this point, it's not our plan, and so
17 we're cooperating to the extent that we can.

18 We have received a request from Gardendale for
19 updated information for this school year and we're currently
20 in the process of processing that and preparing those
21 reports so we can get those to them.

22 There are no real concerns that are
23 schedule-related for us at this point except that there are
24 some windows that we will need to reach, I think, before
25 moving forward, if there is a separation.

1 We don't want to be too squeezed for time at the
2 beginning of the school year, for example, simply because
3 it's -- having been through this several times, it's a
4 difficult process and there's a lot mechanically to be done,
5 once the decision is made to separate and permission is
6 given.

7 So, out of respect for the other thirty thousand
8 kids that we are going to have left, we do hope that
9 whatever schedule we end up working out and the Court ends
10 up approving, will afford Jefferson County sufficient time
11 to not have to shut down all of its other operations just to
12 devote to a changeover, if there is one.

13 THE COURT: Sure. If I remember correctly, when
14 we were discussing potential separation for the 2015-2016
15 school year, it seemed like July 1st was an absolute cut
16 off, so thinking backwards from there is what we would have
17 to do, if the Court felt like it had a record before it that
18 would allow it to either -- to approve a separation, the
19 Court has questions about the global situation in Jefferson
20 County, that we've discussed before, that we'll need to
21 address before we can even cross that bridge.

22 MR. COLVIN: Yes, Your Honor. July 1 is that
23 traditional date that we have seen in other school
24 separations and that is a date that has worked in the past,
25 and I think the one that we contemplated for the 15-16

1 school year, as you say, Your Honor.

2 THE COURT: Okay.

3 MR. COLVIN: I think that's it for now. But we're
4 happy to answer questions as they arise through the course
5 of these proceedings as well.

6 THE COURT: Thank you, Mr. Colvin. Let me hear
7 please from counsel for the private plaintiffs.

8 MS. LIN-LUSE: Good morning, Your Honor. Monique
9 Lin-Luse for the private plaintiffs.

10 We are today in support of our counsel, our
11 colleagues here, asking for a period of more formal
12 discovery is what we think as plaintiffs, definitely start
13 looking for a scheduling order from the Court to sort of
14 provide a little more structure to this process.
15 Understanding that, you know, July 1 is an important date,
16 but also given the gravity and importance of the issues
17 here, we would like to see about six months of formal
18 discovery, particularly to have enough time for expert
19 reports, depositions that need to take place, and then also
20 accounting for lost time at the end of the year. In
21 particular, our expert has a very full calendar and, in
22 fact, was unable to attend with the other parties. However,
23 plaintiff's counsel has visited the schools previously prior
24 to our last hearing date and then some thereafter or our
25 last conference date.

1 So basically where we stand is that we have still
2 have -- continue to have concerns regarding the separation
3 and think at this point that it's time to move into a more
4 structured process.

5 And I'd be happy to answer any other questions
6 that the Court may have.

7 THE COURT: Who is your expert?

8 MS. LIN-LUSE: Our expert is Dr. Leonard Stevens.

9 THE COURT: What is the nature of his expertise?

10 MS. LIN-LUSE: Dr. Stevens is a -- he is an expert
11 in desegregation and particularly looking at the impact to
12 the education of students, which is also analysis of faculty
13 and staff assignment, student assignment. He's been an
14 expert in desegregation cases for many decades, almost forty
15 years.

16 THE COURT: In what systems has he worked?

17 MS. LIN-LUSE: So, he has worked, actually, within
18 the litigation with the State of Alabama and the State
19 Department of Education he's involved in, he's involved in
20 the St. Martin Parish in Louisiana, he was involved in
21 desegregation of the Cleveland schools, so cases throughout
22 the southeast as well as -- the north as well.

23 THE COURT: Have you all discussed what you have
24 in mind in terms of formal discovery and have you all
25 discussed a proposed scheduling order yet?

1 MS. LIN-LUSE: No, Your Honor, the parties have
2 not come together with a proposed scheduling order.

3 THE COURT: Have you been able to get most of the
4 information that you have requested informally so far?

5 MS. LIN-LUSE: Yes. However, concerns have been
6 expressed to us by members of the community and members of
7 our class that we would think would need additional, have
8 come just in the past several weeks, that we think would
9 need additional discovery that probably would be better
10 suited for a more formal discovery process.

11 THE COURT: Okay. Thank you, Ms. Lin-Luse.

12 MS. LIN-LUSE: Thank you.

13 THE COURT: Let me hear from counsel for the
14 United States.

15 MS. PERCIA: Good morning, Your Honor. Veronica
16 Percia on behalf of the United States.

17 So, since we last met, we've reviewed Gardendale's
18 separation plan and we've also reviewed dated and
19 information provided by Jefferson County, specifically
20 regarding students in schools that are likely to be impacted
21 by the split.

22 We have also retained experts, one is Matt
23 Cropper, who is an expert tomographer, I think you're
24 familiar with him from Huntsville and Fred Berg who is a
25 facilities expert.

1 As part of our assessment, as counsel mentioned,
2 we visited, along with our facilities expert, eleven schools
3 in and around Gardendale, toured each of the schools and
4 their grounds and interviewed principals and other members
5 of the school staff and administration.

6 After reviewing information we have so far, we do
7 have concerns, pretty specific concerns, about the
8 desegregation implications of the split. In particular the
9 impact that the separation will have on -- it's being called
10 transitioned zone students, so those students that are
11 currently attending Gardendale schools but live outside the
12 city limits would have to be rezoned to different Jefferson
13 County schools.

14 We have been trying to get a handle on what the
15 world might look like in the aftermath of a split, if it
16 were to go forward as proposed, and that's really the work
17 that we've been doing.

18 I'm happy to sort of describe the methodology that
19 we have been using and some of our more specific concerns,
20 if you think that is helpful at this point.

21 Otherwise, if it's better for the Court and the
22 parties, we were actually anticipating maybe a time for some
23 more discovery, formal or not, we have not had any problem
24 getting information that we've needed and asked for.

25 And we would like the opportunity to more formally

1 detail those concerns, perhaps in briefing, if that is
2 helpful for the Court.

3 But we're amenable to whatever makes the most
4 sense to the parties at this point.

5 THE COURT: Okay. Why don't you just give me an
6 overview, please, of the United States' concerns based on
7 the valuation of the information that's been provided to the
8 United States to date.

9 MS. PERCIA: Sure. So Gardendale, particularly
10 Gardendale High School, is a pretty extraordinary facility
11 and an educational hub for Jefferson County as far as we
12 understand it. And there are a number of students that come
13 into Gardendale from various communities, not only that are
14 zoned there for explicit desegregation reasons, but who also
15 come in to the school to use the really state-of-the-art
16 facilities and some of its programs from surrounding areas.

17 There are basically a few groups of students, sort
18 of north, west and south of Gardendale that are going to
19 need to be rezoned as a result of the split. And they'll
20 probably, according to our experts' analysis, and this is
21 something that he did by looking at certain common criteria
22 that a lot of school districts use when they need to rezone,
23 things like school utilization, obviously geography,
24 transportation times and feeder patterns, the most likely
25 result of the separation is that students will be going

1 either to Mortimer Jordan High School, which is north of
2 Gardendale, or Minor High School, which is north or
3 southwest of Gardendale.

4 Mortimer Jordan is actually almost an equally
5 lovely facility. It's pretty extraordinary. They are both
6 really more like colleges than high schools. I would have
7 loved to go to high school there. And they're something to
8 be seen.

9 Mortimer Jordan, we didn't know until we visited,
10 how extraordinary that facility is, but it's essentially
11 identical to Gardendale in terms of the facility and the
12 educational opportunities for students there.

13 Approximately two-thirds of white students in the
14 transition zone would likely be zoned to Mortimer Jordan
15 based on geography and transportation times.

16 I can go into a little bit more of the specifics,
17 but I'll just stick with the flyover.

18 Only about twenty-seven percent of black students
19 live in the transition zone would likely be zoned to
20 Mortimer Jordan. The majority of black students, about
21 seventy-five percent of them, would likely be zoned for
22 Minor High School.

23 Minor High School is a starkly different
24 experience in terms of the kind of educational opportunities
25 that are available to the students there in the facility

1 itself. The facility was built in 1988 and is more or less
2 consistent with a twenty-five plus year old facility.

3 In terms of the kind of education that the
4 students are getting there, we would like to do a lot more
5 information-gathering to give the Court a really clear
6 picture of what goes on. But there are some stark
7 differences. Students at Mortimer Jordan and Gardendale,
8 for instance, the graduation rate there is about ninety-two
9 to ninety-six percent, which is well above -- the state
10 average is about seventy-four.

11 Students at Minor High School, the graduation rate
12 is about sixty-six percent.

13 And in addition, Minor High School is an
14 eighty-nine percent black high school and, as I said,
15 Mortimer Jordan is ninety percent white.

16 In the aftermath of the split, if you remove
17 Gardendale, it looks like the majority of white students are
18 going to be rezoned to a predominately white high school
19 that is essentially equivalent in terms of the facility and
20 educational opportunities, the majority of black students
21 will be rezoned to a predominantly black high school that is
22 not a comparable facility along really any criteria.

23 So, we're concerned about that at the high school
24 level.

25 My colleague has done more work on the middle

1 school level, but there are implications that look very
2 similar along those lines.

3 So that is sort of how we narrowed our focus and
4 we'd like to do a little bit more discovery along those
5 lines.

6 In addition, you know, Gardendale has been used
7 explicitly for desegregation reasons by the county, there is
8 a group of students in North Smithfield that have been zoned
9 to Gardendale explicitly for desegregation reasons and so
10 the fact of the removal of that high school and that
11 extraordinary facility from the system is something that
12 implicates desegregation.

13 We haven't seen in Gardendale's proposed plan a
14 way to resolve these concerns, so we wanted to take this
15 opportunity to point some of those out and we would be happy
16 to articulate those in more detail for the Court and for the
17 parties so they can respond.

18 THE COURT: Okay. Thank you, Ms. Percia. I think
19 your remarks make the Court feel like it would be beneficial
20 for the Court to visit Gardendale High School, Mortimer
21 Jordan and Minor High School, it probably makes sense for
22 the Court to visit a couple elementary schools in the feeder
23 patterns for those schools and middle schools.

24 So if you all will talk amongst yourselves,
25 please, I don't know whether all of you feel like you want

1 to be present for that, you certainly are welcome to be
2 present, but the Court will make arrangements with counsel
3 to make those site visits.

4 In addition, the information that Ms. Percia is
5 highlighting about outcomes from the various schools are
6 going to be significant to the Court's analysis, so all of
7 the parties need to be evaluating that information and
8 deciding how they want to present that information to the
9 Court.

10 Along those lines, information about the types of
11 courses available at the different schools are going to be
12 important. The Court wants to have information about the
13 availability of AP courses, if there are special programs
14 at, for example, Gardendale that aren't available at
15 Mortimer Jordan or Minor, and if there are special programs
16 that are available in some of the feeder schools for
17 Gardendale that aren't available at other schools, the Court
18 will want to know about that.

19 The Court also wants to have as specific
20 information as possible about the ways in which Gardendale
21 has been used to promote the goals of the Singleton order in
22 this case and the constitutional mandate of the
23 desegregation principles that animate this action.

24 The Court believes that it is appropriate to have
25 a period of formal discovery. Within seven days, the Court

1 would like to have a proposed scheduling order from the
2 parties for a formal period of discovery.

3 Ms. Percia, the briefing that you mentioned, my
4 initial reaction is that it might be more productive to
5 provide that briefing after you all have done some of this
6 formal discovery and have some more concrete statistical
7 information that you can provide to the Court.

8 Does that sound like a good approach to you?

9 MS. PERCIA: Yes, that is what we were hoping for.

10 THE COURT: So, include in that proposed
11 scheduling order a briefing schedule for the parties to
12 present some of this information to the Court.

13 What sort of discussions have you all had, if any,
14 with respect to the concerns that Jefferson County had
15 expressed about the potential loss of the Gardendale High
16 School System without any sort of financial remuneration for
17 loss of that facility? Mr. Colvin.

18 MR. COLVIN: Your Honor, we really, at this point,
19 we really haven't had further discussions about that
20 particular issue.

21 THE COURT: Okay.

22 MR. COLVIN: That still -- it still seems to be a
23 threshold issue that the parties just have no agreement at
24 all on and we have not attempted to reach middle ground.

25 But I think that is because we have been focusing

1 more on gathering information and allowing the parties who
2 weren't parties to this earlier discussions to be able to
3 take a position on the things that they need to.

4 THE COURT: That's fine. I just wanted to see
5 if -- Mr. Rowe, is that consistent with your evaluation of
6 what you all have been doing?

7 MR. ROWE: Yes, Your Honor. I think the financial
8 end of it is somewhat tied up in the plan, you know, so that
9 in our plan, we had a thirteen year transition period where
10 the students who had been coming to Gardendale would
11 continue to come to Gardendale.

12 And we've informally, at least I have informally
13 discussed with Judge Clemon, perhaps, even a modification of
14 that to make it look more like what the settlement agreement
15 that was worked out in the Vestavia case years ago when he
16 was the lawyer in that case, and we haven't -- beyond just
17 about what I just said, we haven't had much discussion about
18 that.

19 But I think that would impact -- say if we were
20 able to reach an agreement that was satisfactory to the
21 parties here, that we would continue to take certain
22 students outside of Gardendale City Limits, as we proposed
23 or a different program that everyone could agree on, then
24 that would affect the potential need for money to change
25 hands because perhaps the existing schools have capacity to

1 take the students. I hear the concern about Minor, and I'm
2 not -- I'm not sure but I think most of those students would
3 be the North Smithfield students which would be the -- most
4 likely to be the ones that would be the subject of a
5 Vestavia-like settlement agreement, if that was something
6 that the parties were interested in and the Court would
7 approve it.

8 So, you know, sorry for the long-winded response,
9 but it's one thing if you're thinking of, well, no students
10 other than, you know -- right now, we've got three thousand,
11 roughly three thousand students that are in the Gardendale
12 School System: High school and the middle school and the
13 two elementary schools. And about twenty-three hundred of
14 them are in the city limits. So about seven hundred are
15 outside the city limits.

16 So what we're talking about is what happens to
17 those kids. About four hundred of those are the Mount Olive
18 kids, I presume a lot of those would be going to Mortimer
19 Jordan because that's the closest high school. North
20 Smithfield is about one hundred thirty kids, say one hundred
21 fifty or less. Brookside, two hundred forty, so the
22 Brookside and Mount Olive would be the ones that I'm
23 presuming on a global basis would be closer to Mortimer
24 Jordan, I may be wrong about some of those, but just
25 globally.

1 So I think that these issues, if we could work out
2 some agreement that would be satisfactory to the parties
3 that the North Smithfield students would continue to come to
4 Gardendale, then that may take away some of the issues that
5 we're talking about and also might impact the need for more
6 facilities.

7 We notice that in the recent data that was given
8 to us after the school year started, that the number of
9 students in the system went down a little bit.

10 So, you know, I'm not sure, you think that might
11 mean there's a little bit more capacity than there was if
12 the number had gone up. That is a real general statement,
13 so it might not be true.

14 So those are the -- What is exactly right, we
15 haven't had any discussions about money. But I think it's
16 because we don't know the details of the plan, but we're
17 ready to have those discussions.

18 THE COURT: Okay. I'm just trying to make sure I
19 understand what work has and has not been done over the past
20 few months since we last had a conference in the case.

21 MR. ROWE: Thank you.

22 THE COURT: Thanks.

23 MS. LIN-LUSE: Your Honor, if I may.

24 THE COURT: Yes, ma'am.

25 MS. LIN-LUSE: I wanted to add, make sure I

1 address two additional points.

2 One is, if going to do site visits, I think it
3 would be important to go to Fultondale High, which is to the
4 southeast of Gardendale, it also has a dramatic difference
5 from the other facilities in Gardendale, including even
6 Minor to the west or Center Point to the further east.

7 THE COURT: Do you know when Fultondale was
8 constructed, by any chance?

9 MS. LIN-LUSE: I do. I have it in my notes back
10 there. However, it's older than Minor and the other schools
11 that were built on the same funds.

12 Additionally, I wanted to raise -- to make sure
13 the Court was aware that not only are we concerned about
14 student assignment and share the same concerns that the
15 Department of Justice has raised with regard to what the
16 impact would be on the desegregative capacity of Jefferson
17 County with the separation of Gardendale, but also concerned
18 about faculty and staff assignment and the impact that the
19 shift will have on the ability to address issues that
20 Jefferson County still has with regard to faculty and staff
21 assignment.

22 One of the things that I think is important to
23 highlight is that because -- not only is it the impact of
24 the students that are there, but it also limits the ability
25 to have further desegregation, so it's not even where it is

1 now, but given its geographic location, we would like to see
2 an improvement on faculty and staff assignment in the
3 Gardendale schools and the schools surrounding it, and by
4 the removal of the separation of Gardendale, that limits the
5 capacity to make those strides forward that we would be
6 working with Jefferson County to address.

7 THE COURT: You touched on something that the
8 Court, I believe, addressed early on in our discussions but
9 remain a significant concern for the Court, and that is the
10 Court doesn't want to get so focused on the Gardendale issue
11 that it loses perspective on the bigger Jefferson County
12 issue, the Court has to be concerned with the desegregation
13 goals over all for Jefferson County.

14 And looking, for example, at the joint report that
15 the parties made to the Court, it's document 998, this was
16 provided to the Court in February of this year, on Page 9,
17 there's a chart that shows the student population by race
18 across the district and that chart illustrates that the
19 percentage composition of Jefferson County, of the student
20 population of Jefferson County, has changed pretty
21 dramatically from 2002 until 2014.

22 And the Court can perhaps -- there's at least a
23 correlation in part between the decrease in the number of --
24 the percentage of Caucasian students within the Jefferson
25 County system and the increase of African-American -- the

1 percentage of African-American students within the Jefferson
2 County system with the Cahaba Heights annexation, which
3 occurred in 2002, the creation of the Leeds system, which
4 occurred in 2003, and the creation of the Trussville system,
5 which occurred in 2005.

6 And the Court maintains its concern that as long
7 as Jefferson County is having to address splinter districts
8 than separate from the system, it's difficult to see how the
9 Court can accomplish its directive from the U.S. Supreme
10 Court that the Federal Court is suppose to leave the
11 business of monitoring these school systems but for school
12 systems to be able to achieve a declaration of unitary
13 status, the school system can't always be dealing with a
14 moving target. And that's part of the Court's more global
15 concern in Jefferson County.

16 The Court feels like the parties should pay close
17 attention to the U.S. Supreme Court decision in City of
18 Emporia and some of the remarks that are made in Stout I and
19 Stout II, Judge Albritton's decision in the Lee case where
20 Judge Albritton was examining splinter district issues, are
21 instructive in this situation. And when the parties are
22 briefing, the Court wants the parties to make sure they pay
23 special attention to that authority and give the Court their
24 guidance on how they think that those -- that authority
25 weighs on the Court's decision with respect to Gardendale

1 and with respect to the more comprehensive issue of
2 Jefferson County's ability to obtain a declaration of
3 unitary status. You know, this is a 1965 case and I believe
4 in Brown II that the Supreme Court told the courts that we
5 were suppose to accomplish desegregation quickly. And I
6 don't think the Supreme Court would view our work here in
7 2015 as a quick resolution of desegregation issues.

8 So I just ask the parties to keep all of that in
9 mind as they're doing their work.

10 Mr. Sweeney, I see you're here for the City of
11 Hoover.

12 MR. SWEENEY: Yes, ma'am. The parties are engaged
13 in, I think, very constructive dialogue. I have proposed a
14 scheduling order last week that the parties are going to
15 discuss today. To finalize, one of the suggestions is that
16 if there is a necessity of having a trial, which we're very
17 optimistic won't happen, but that we were proposing that we
18 suggest a two-day block around March 21st with the hope that
19 Your Honor could make a decision in early April in order for
20 Hoover to make the necessary adjustments of student zones
21 and faculty assignments. But with that objective, I wonder
22 if it would be permissible for the Court, with the Court, if
23 we provide a scheduling order that the parties have agreed
24 to within the next week, as you have asked in the Stout
25 case.

1 THE COURT: That would be terrific, Mr. Sweeney,
2 if you all please work on that. The Court will look forward
3 to receiving that submission.

4 Mr. Sweeney, a question about the reports that the
5 City of Hoover provided for 2015, I think those were by and
6 large comprehensive. The one thing that seemed to be
7 missing from the 2015 report was the class count report, is
8 that material that the City of Hoover is still planning to
9 provide to the Court?

10 MR. SWEENEY: Yes, ma'am. And I advised the
11 parties that that should be available at the end of this
12 week. I'm tracking the same submittal that was provided
13 last year, they're in the process of assembling that data
14 now.

15 THE COURT: Okay. Very good. Is there anything
16 else from the United States or from the private plaintiffs
17 with respect to the City of Hoover?

18 MS. KING: No, Your Honor. I just want to echo
19 what Mr. Sweeney said, that we have been working very
20 productively together and I think we will be on track to
21 provide the Court with a scheduling order.

22 THE COURT: Great.

23 MS. LIN-LUSE: Your Honor, I would only clarify, I
24 think at this point the plaintiffs are interested, as we
25 presented to the Court the last time we were here, in first

1 addressing the student assignment issues that are sort of
2 the most pressing and important for us to address, and so
3 hopefully our scheduling order will be focused in on getting
4 that proposal addressed.

5 What I would like to see as opposed to a full
6 comprehensive consent decree, that we may want to focus in
7 on student assignment, as that is an issue that has been
8 worked on and negotiated, and we can address other issues to
9 do that as well, but as we move forward on that particular
10 issue, it's important to all of the parties and creates the
11 most change that will take place within the district.

12 THE COURT: Okay. Well, I will probably need from
13 the parties is some more specifics about the concerns that
14 the private plaintiffs have, any concerns that the United
15 States has, so that the Court has a little bit of background
16 before engaging in more formal conversation with the parties
17 about the work that you all have been doing.

18 If you all can perhaps provide a little bit of a
19 summary to the Court to give me some context to evaluate the
20 information that you will provide as time progresses, that
21 would be great.

22 All right. Is there anything else that any of the
23 parties would like to bring to the Court's attention at this
24 time?

25 MS. PERCIA: I would just add, Your Honor, that I

1 agree with Ms. Lin-Luse that it's worth visiting Fultondale.
2 We visited that school as well for utilization reasons and
3 in our analysis, we don't know what it would look like --

4 THE COURT: Well, let the parties get together,
5 please, and you all propose a list of schools for the Court
6 to visit. And then we will coordinate with you all on a
7 time and procedure for doing that.

8 All right. Thank you very much for your time this
9 morning. I look forward to working with you all in the case
10 more.

11 I just remembered something. The way that the
12 parties present transfer information to the Court only
13 allows the Court to do -- it doesn't allow us to get into
14 the specifics of where people are coming from, you know,
15 where they're going, so we have a report that we used in the
16 Huntsville case that gives the Court more details to be
17 better educated about what those transfer numbers mean.

18 Katie will supply one of those reports to you all
19 and would like to request that that transfer information be
20 made available to the Court for Jefferson County in that
21 fashion.

22 Thank you.

23 (COURT ADJOURNED)

24

25

C E R T I F I C A T E

I hereby certify that the foregoing is a correct transcript from the record of proceedings in the above-referenced matter.

Teresa Roberson, RPR, RMR